

SECOND REGULAR SESSION

# SENATE BILL NO. 1070

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEY.

Read 1st time March 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4647S.011

## AN ACT

To repeal section 191.227, RSMo 1994, and section 191.233, RSMo Supp. 1999, relating to medical records, and to enact in lieu thereof one new section relating to the same subject.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 191.227, RSMo 1994, and section 191.233, RSMo Supp. 1999, are repealed and one new section enacted in lieu thereof, to be known as section 191.227, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of [his record of] that patient's [health history and treatment rendered to the person submitting a written request,] **medical records** except that [such] **the right to receive such records** shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a [handling] **search and retrieval** fee of [fifteen] **twenty** dollars, **postage and shipping**, plus a fee [of thirty-five cents per page] for copies of documents made on a standard photocopy machine **as follows:**

- |                              |                         |
|------------------------------|-------------------------|
| <b>(1) 1-25 pages</b>        | <b>\$1.00 per page;</b> |
| <b>(2) 26-100 pages</b>      | <b>\$ .50 per page;</b> |
| <b>(3) 101 or more pages</b> | <b>\$ .35 per page.</b> |

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

**4. Beginning January 1, 2002, the limitation on the fees provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the fees shall be calculated by the director of the department of insurance, which shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register by March first of each year. The department of insurance shall otherwise be exempt from the provisions of section 536.021, RSMo.**

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]

Bill

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